copies, made at the Italian war ministry. He also had in his possession a list of plans of Cherbourg, Brest and Toulon, with typewritten instructions, alleged by Fragola to have emanated from the German staff, con-cerning the marking of batteries of artil-

There was also a letter appointing a rendezvous at the Thuringer Hof, Berlin, for November 13, signed "X." To this was attached a card inscribed "Felix Friedrich

Scholtz."

The Matin's correspondent gave Fragola a few shillings and persuaded him to leave the documents in his hands, in order that an examination of them might be made. The next morning he took them to the French embassy, where the naval attache declared them to be absolutely genuine.

The Matin will continue its revelations

DESTROYING RAILROADS.

Kin-Chou.

ST. PETERSBURG, May 16 .- 4:50 p.m .-The Japanese evidently are determined that there shall not be any further rail communication between General Kuropatkin and Port Arthur. Official advices received today by the general staff say the Japanese have destroyed fifty miles of the railroad north of Kin-Chou.

No resistance was made by the Russians, who are gradually abandoning it. On the Japanese approach Colonel Spiridorof of the Amur railroad battalion is seeking to render the railroad as useless as possible to the enemy by removing the switches and otherwise disabling the road.

Russians Retreating.

The Russians are retiring because of the approach of the Japanese columns sent westward by General Kuroki immediately after the occupation of Feng-Wang-Cheng. Experts who discussed the military situation today expressed the opinion that General Kuropatkin will not remain at Liao-Yang. Their view seems to be borne out by reports from Liao-Yang announcing the eparture of Russian families from that

It is said that Gen. Kuropatkin is not at all discouraged by the advance of the Jap-anese. Telegrams received here today from Liao-Yang report him as being "perfectly satisfied with the outlook."

Troops for Manchuria.

It was announced today that the 10th and 17th Army Corps will leave May 18 for Manchuria. This force includes the Orenburg division of Cossacks and artillery, armed with the new model rapid-fire field

Grand Duke Nicholas left St. Petersburg today to join the emperor. He will make a careful inspection of the cavalry to be sent out to the far east. Czar Off for Kharkoff.

MOSCOW, May 16 .- Emperor Nicholas arrived here at 9 o'clock this morning, and left Moscow an hour later for Kharkoff.

Russians Plunder Gold Mines. LONDON, May 16 .- A dispatch to the Central News from Tokyo says telegrams from Seoul announce that several hundred Russians recently attacked and plundered the British gold mines at Eun-Sun, Korea.

their goods taken, and several were im-ARRIVAL PROVOKES INTEREST. New British Ambassador Reaches St.

Petersburg Today.

ST. PETERSBURG, May 16, 6:40 p.m.-Str Charles Hardinge, the new British ambassodar to Russia, arrived in St. Petersburg today. Because of the part the ambassador is expected to play in carrying out King Edward's desire for closer relations between Great Britain and Russia, more than usual interest in his arrival was displayed in official and unofficial circles.

The government was extremely punctilof the ceremonies imposed by international etiquette on the arrival of a new ambassa-

The imperial waiting room at the Warsaw station was thrown open for his use and an imperial carriage with a guard of honor or Cossacks in red tunics conveyed the ambassador from the station to the embassy.

As soon as the emperor returns to St.

Petersburg Sir Charles Hardinge will present his credentials and at the same time deliver a speech which, it is expected, reveal, guardedly of course, the object of

importance to the prospective declaration, owing to the ambassador's relations with King Edward. It will be regarded as the king as of the British government. On sponse which will be no less cordial than the utterance of the British ambassador.

AUTO RUNS OFF EMBANKMENT.

Two Oregon Women Sustain Serious Injuries in the Fall.

PORTLAND, Ore., May 16 .- An automobile driven by Benjamin Holladay and containing besides himself, his wife and Miss Datsy Andrews, his sister-in-law, ran off a fifteen-foot embankment near Troutdale, a place about eighteen miles east of here. The car turned over three times and light-

ed right side up. Mrs. Holladay had both of her hips dislocated and suffered internal

Miss Andrews' collar bone was broken. Holladay escaped unhurt. He is a son of Benjamin Holladay, who operated Holladay's famous pony express across the plains in the early days.

CRAZED BY ILL-HEALTH.

Woman Slashes Husband's Throat and Then Attempts Suicide.

YORK, Pa., May 16 .- Suffering from melancholia, the result of poor health, Mrs. James Shewell of Glenrock attempted to murder her sleeping husband by cutting his throat with a razor and then slashed her own throat.

When the razor entered Shewell's flesh he awakened and fought off his wife. The woman retired to another room and attempted self-destruction. Both are critical condition from the loss of blood.

INVENTIVE GENIUS DEAD.

J. N. Barr, a Pioneer Railway Man, Dies of Heart Disease. CHICAGO, May 16 .- J. N. Barr, assistant to the president of the Chicago, Milwaukee and St. Paul railroad, is dead at his home

in Libertyville, Ill., of heart disease. He was fifty-two years old. Mr. Barr was one of the best known railroad mechanical men in the country.

He started early in life as a railroad em-ploye, occupied various positions and was appointed superintendent of motive power the St. Paul road.

On November 1, 1829, he was given the place of mechanical superintendent of the Baltimore and Ohio. Not long after that he accepted the same position with the Erie. He returned to the St. Paul road and became general superintendent, and in April of last year was named as assistant to the president.

Many of the devices used in railway shops are the products of Mr. Barr's inventive genius.

The Mental Condition of Man Who Committed Murderous Assault.

DUFFY UNDER EXAMINATION.

A jury in Criminal Court No. 2 before Justice Wright late this afternoon inquired into the mental condition of William Duffy, alias Wm. J. O'Brien, indicted for assault to kill. Duffy is the soldier who, while on a furlough from the Government Asylum for the Insane at St. Elizabeth's in March last, called at the War Department and shot two of the clerks.

as there was a question of his sanity, At-Philip Tindall, who represents him, secured an order to have the mental condi-tion of the prisoner inquired into. The inquiry was in progress when this re-

WITNESS FOR DEFENSE

Former Postmaster General Smith to Testify.

TYNER-BARRETT TRIAL

APPEARS IN COURT IN RESPONSE TO SUMMONS.

Japs Are Tearing Up Track North of Gen. Michener's Evidence Regarding Failure of Courts to Pass on Questions Submitted.

> Charles Emory Smith, formerly Postma ter General of the United States, was the center of interest today in Criminal Court No. 1. He appeared in response to a summons issued at the instance of counsel for Gen. James N. Tyner and Harrison J. Barrett, at one time law officers of the Post Office Department, on trial under indictments alleging that they conspired to defraud the United States. The understanding is that the former Postmaster General will be called to the witness stand tomorrow morning to testify in behalf of

> Gen. Tyner and Mr. Barrett. Counsel for the defense stated in court late last Friday that Mr. Smith would appear as a witness for the defense, whereupon Major Conrad, special counsel for the government, remarked flippantly that the individual mentioned was too busy editing a newspaper in Philadelphia to journey to this city and appear as a witness. Soon after the proceedings were resumed this morning the former Postmaster General appeared at one of the doorways of the court room.

Because of the rule excluding witnesses until needed to testify, Attorney Worthington motioned Mr. Smith to retire. United States Attorney Beach, however, suggested that the rule be waived so far as Mr. Smith was concerned, so the latter entered and took a seat directly in rear of counsel. He was warmly greeted by Mr. Beach and many others who were present.

Gen. Michener's Testimony.

Gen. L. T. Michener of the firm of Dudley & Michener, attorneys, of this city, was the only witness examined during the session this morning. He remained on the stand for some little time during the afternoon. His testimony was considered important by the defense as indicating, among other things, that the Barrett opinion of December 5, 1900, was the direct result of failure to secure from the courts an opinion set-ting forth a line of demarkation between business that was lawful and business that was unlawful, relating to bond investment concerns, and was not part of a conspiracy to secure clients for Mr. Barrett after his resignation as assistant attorney in the fice of the assistant attorney general for the Post Office Department became effect-

The proceedings of the opening day of the third week of the trial had been in progress for exactly one hour before General Tyner

He was rolled into the court room at 11 o'clock seated in an invalid's chair, and was made comfortable in the Morris chair provided for him. It was the first appearance of General Tyner in court since last Thursday. As the physically disabled defendant was being moved past Major Con-rad, special counsel for the government, the latter greeted him cordially, saying, with a bow: "Good morning, general."

Both at the opening of the session this morning and that of this afternoon some delay was occasioned by consideration given to the matter of the bi tions in the Machen-Lorenz-Groff case. The attendance today was larger than usual, and what took place was not so dry and devoid of general interest as on the majority of the preceding days of the trial.

EVIDENCE FOR DEFENSE.

The Reading of Letters and Papers Occupies Time of Court.

For half an hour after the proceedings were resumed this morning the defense read to the jury extracts from letters and reports to make complete evidence that had been submitted by the prosecution. First, the jurors were enlightened in reference to correspondence about the case of E. J. Arnold & Co., and then they listened to portions of the reports made by Gen. Tyner as assistant attorney general for the Post Office Department. The defense laid stress on the statements made by Gen. Tyner in his reports about his practice in regard to fraud orders.

The first witness to be called today by the defense was Gen. L. T. Michener, formerly attorney general of Indiana and now a member of the firm of Dudley & Michener, attorneys, of this city. The witness testifled that upon the occasion of a visit to the Post Office Department in 1897, he was informed by Gen. Tyner that no line of de-markation between business that was lawful and business that was unlawful, conducted by bond investment concerns, had been laid down. Therefore, it was arranged that a test case should be instituted for the purpose of securing a decision by the court. The object of the defense was to show that the preparation of the Barrett opinion of December 5, 1900, was the climax of natural steps, and was not in furtherance of a conspiracy to secure legal busi-ness for Barrett when he should have resigned from the department and engaged in

Major Conrad objected to the line of examination, contending that the conduct of General Tyner was not the subject of inquiry, and that conversations the witness had in 1897 with General Tyner as to the latter's general policy were not admissible. The objection was overruled. General Michener told of a criminal case

instituted against one of his clients, by which they hoped to secure a ruling on the legality of the business carried on by bond investment concerns.
"We demurred to the indictment," the

witness explained, "and hoped to obtain a written opinion, but the judge died, I understand, before the opinion was pre-"Here is his written opinion." Major Con-

rad remarked, holding up a typewritten "I never saw it or heard of it," the wit-ness replied. It developed that the paper was not the opinion General Michener had

in mind.
Continuing, the witness testified that Gen.
Tyner and Mr. Barrett did all that was possible to secure a legal opinion on the subject in question. Finally it was announced that the department would wait no longer, but would make a study of the issues, and reach its own conclusion. The witness had always received prompt treatment at the hands of Gen. Tyner and Mr. Barrett.

The defense next proceeded to show by the witness that the firm of Dudley & Michener was employed by E. J. Arnold & in mind. Michener was employed by E. J. Arnold & Co., the turf investment concern of St. Louis, Mo., at the same time Mr. Barrett was employed by that company; that the employment was on the same subject, and

Testimony as to Reputation. In connection with his testimony in reference to Arnold & Co. the witness men-

tiened the name of a Mr. Fauntieroy. "What is his reputation?" Attorney Worthington inquired. "He stands high," the witness replied.

"His reputation is excellent," Maj. Conrad dmitted. 'He spoke well of you, major,"

Michener added, "and for that reason I assumed that he stood high."

The witness said he had known Gen. Tyner since he (witness) was a little boy, and that his reputation as a man of honor and integrity is excellent. The witness had known Mr. Barrett for fourteen years, and could say the same regarding the latter's

U. S. S. Dolphin, bound for New Orleans and Vicksburg, whence they will return to Washington by rail. proceedings when a difference of opinion as to the nature of a statement made by the witness occurred between Attorney Worth-ington and Major Conrad. The stenogra-

ington confessed.
"I am usually right when I make an assertion of fact," Major Conrad declared.
"You always claim to be," Attorney "You always claim to be," Attorney Worthington retorted.

"Proceed with the case, gentlemen," Justice Pritchard directed.

General Michener was cross-examined at length by Major Gonrad regarding the test cases referred to in the foregoing. Counsel asked if the most effective and direct means of securing a ruling would not have been to have had a fraud order issued against one of the witness' clients, and filed suit to test the right of the Postmaster General to hold up that client's mail. General Michener replied that the question was a debatable one, and, he added, he did not care to debate points of law while on the witness stand.

while on the witness stand.

tion of the defense.

Bill of Exceptions in Machen Case.

IN EXCELLENT HEALTH.

ing Satisfactory Progress.

The second quarterly report of Prof. Wm.

Alex. Southerland, in charge of the Fili-

pino students in the United States, has

been received by the bureau of insular af-

speaks of the excellent health of the stu-

dents, who spent their first winter in south-

ern California, and also of the satisfactory

The present plan is to collect the students

at some suitable place after the school

year is over and give them a special sum-

mer course along the lines where special work is needed, and then after a short visit

schools and colleges in the central states.

pressed themselves, desire to pursue a va-

riety of callings upon their return to their

island homes. Twenty-five per cent of them expect to become teachers. Some de-sire to become civil engineers, others de-

sire to pursue a commercial course, a few wish to study medicine, two are eager to

then find employment in the coastwise serv-

ce of the Philippines. A few desire to study

scientific agriculture, and it is suggested that they be placed in some southern agri-cultural college in order to secure practical

training in the cultivation of rice, sugar

and cotton, as well as acquaintances with

TO PUNISH THE MOROS.

400 Against Them.

The Moros who attacked the American

troops May 8 and killed two officers and a

number of men may be severely punished.

Maj. Gen. Leonard Wood, at the head of

450 officers and men, is marching upon the

band, and the next reports from his expe-

dition will probably show that a battle of

importance has occurred and that the frac-

tious Moros have been severely handled.

Maj. Gen. Ainsworth, military secretary,

today received a cable from Gen. Wade,

commanding in the Philippines, in reply to

a message sent a few days ago asking par-

ticulars concerning the movement against the Moros in Mindanao, which says:

come in. It is learned that four more who

were reported killed are alive.
"There is no trouble outside of Ali's band.

Plang is friendly to the United States. Everything is quiet in Cottabatt Valley, peo-

ple planting crops, and are anxious to have Ali's band taken, and are furnishing as-

is in the country east of Lake Lignasau.

which is swampy and almost uninhabitable

the place where the engagement of May

sistance freely and willingly. Ali's outfit

"Word from the expedition is not to be

mmand six days' hard marching to reach

Officials of the War Department hesitate

to express any opinion about the movement

of Gen. Wood's column, but it is evident that the Moros will be unable to resist such

a force, and, if they do, there will be a decisive engagement. Some of those who

are informed concerning the attitude of the

Moros believe that they may attempt to

prevent the advance of the American sol-diers, in which case there will be an en-

ADMIRAL JOHNSON TO RETIRE.

Several Important Naval Changes to

Be Made in Consequence.

Several important naval orders were is-

sued today. Capt. G. F. F. Wilde will be

detached from duty as commandant of

the navy yard, League Island, May 31, and

on the following day will relieve Rear Ad-

miral M. L. Johnson from duty as com-

mandant of the navy yard, Boston.

Capt. F. W. Dickins, now in command of the navy yard, Pensacola, Fla., will suc-

ceed Captain Wilde as commandant of the League Island navy yard. Capt. F. Singer

has been ordered to assume the duties of commandant of the naval station at New

Orleans, La., May 31, relieving Captain J. T. Merrell, who is ordered to Washington

city for duty in connection with the gen-

Admiral Johnson will retire on account of

age on the 1st proximo, after nearly forty-five years of service in the navy, of which

about eighteen were spent at sea. He is a

native of Massachusetts, and entered the navy in November, 1859. He reached the grade of Rear Admiral in January, 1901,

and has been in command of the navy yard, Boston since October of that year.

NO DECISION REACHED.

Bill of Exceptions in Machen-Lorenz-

Groff Case Under Consideration.

chen-Lorenz-Groff case this afternoon ap-

peared before Justice Pritchard in Criminal

Court No. 1 and formally tendered for set-

tlement the proposed bill of exceptions in

that case. The government's counsel

stated that the bill did not meet with their

approval, and Justice Pritchard directed

counsel on both sides in the case to appear

in court tomorrow morning at 10 o'clock, at

which time it is hoped an agreement may

The thirty-eight days allowed under the law for settling the bills of exceptions will

expire tomorrow and counsel are divided in their opinions as to the right of the

court to extend the time. Justice Pritchard intimated that if the court could extend the

time he was not inclined to allow more than eight days additional for the purpose.

Major Fuller's New Duties.

At the request of the governor of South

Carolina, Major Ezra B. Fuller, U. S. A.,

retired, recently on duty at the Maryland

Agricultural College, has been ordered to

report to the governor of South Carolina,

at Columbia, for duty with the organized

militia of that state, for a period of four years, unless sooner relieved. While on this duty Major Fuller will receive the full pay and allowances of his grade.

Secretary Moody Sails for New Orleans

party, who have just returned from a visit

to Cuba, left Pensacola yesterday on the

Divorce Decree Signed.

Justice Gould in Equity Court No. 2 to-

Secretary Moody and his congressional

be reached.

Counsel for the defendants in the Ma-

counter of considerable importance.

nodern agricultural instruments.

progress made in their school work.

SUPREME COURT.

Immigration Authorities Sustained in Parties at Interest Returned Home Ordering Deportation of Alleged Anarchist-The Law Upheld.

In an opinion today by Chief Justice Ful-ler, the United States Supreme Court susained the action of the immigration authorities at the port of New York in ordering the deportation of the Englishman Turner, alleged to be an anarchist. The chief After the usual midday recess half an justice said in his opinion that Turner did nour was devoted to consideration of the not himself deny that he is an anarchist. matter of the filing of the proposed bill The opinion upheld the law for the excluof exceptions in the Machen-Lorenze-Groff sion of anarchists and affirmed the decicase. The cross-examination of Gen. sion of the circuit court for the southern Michener was then resumed, and, in condistrict of New York, which refused a writ nection therewith, a great many letters written by Dudley and Michener and con-tracts in which that firm was interested of habeas corpus to Turner.

The court affirmed the opinion of the supreme court of Ohio in refusing to re-lease John Boyd of Guernsey county, Ohio, committed to custody for violation of the were read, most of them over the objec-"All this reminds me of the Smoot case Beale local option law. The opinion was delivered by Justice McKenna. your honor," Attorney Worthington re-"I'm not familiar with that case," Maj

Conrad replied. "I'll read it over in pri-The court denied the motion of the state of Colorado to dismiss the suit of the state of Kansas against the state of Colorado to enjoin the latter from diverting the waters of the Arkansas river for irrigation purposes, postponing consideration of the mo-tion until the hearing of the case on its Filipino Students in California Mak-

In compliance with an agreement by the parties to the case Granville Richardson of New Mexico was appointed a commissioner to take testimony in the case.

In an opinion by Justice White the court fairs, War Department. Prof. Southerland affirmed the opinion of the Court of Appeals of the District of Columbia in the case of E. T. Morris and others agt. Se tary Hitchcock. The case involves the validity of an act of the legislature of the Chickasaw Indian nation for the removal of cattle from the Chickasaw country. Mor-ris and his associates attacked the constitutionality of the law, but this conten-tion was overruled and the law and the

The court dismissed for want of jurisdic-tion the case of Ferdinand Halzendorf, which was an action to compel Secretary Hay to "prosecute with great vigor" a claim for \$500,000 against the Emperor of Germany. The basis for the claim was the confinement in a lunatic asylum in Germany of Halzendorf, who, although a German by birth, is a naturalized citizen of the United States. Upon his release a German court decided his confinement to have been illegal. Justice White, in delivering the opinion

stated that jurisdiction was granted the Supreme Court of the United States by statute where \$500,000 was involved, but that the sult for that amount of damages in this case did not "involve" that amount The court delivered a number of opinions

after which it took a recess until the 31st instant. The chief justice announced that on that date the court would adjourn for the term. Gen. Wood Leading a Party of Over

BEGINS THIRD WEEK.

Methodist at Los Angeles to Settle Many Important Questions.

LOS ANGELES, May 16 .- The third week of the Methodist general conference, which commenced today, promises to see the settlement of a majority of the great church problems now pressing for solution. The most important of these is the determing ion of the number of bishops to e chosen and their final selection.

At this afternoon's meeting of the committee of episcopacy the question of how "Maj. Gen. Leonard Wood, with 450 ofmany bishops the conference shall name ficers and men, is en route to recover the bodies of our killed. Two of the number was taken up, and Dr. Buckley, chairman of the committee, has promised the conferthe subject will be ready Tuesday

The number of new bishops that will be elected is entirely problematical. The re-threment of Bishops Andrews, Walden, Mallalieu, Vincent and Foss by the vote of the conference last Saturday, the ceptance of Bishop Merrill's resignation and the deaths of Bishops Ninde and Hurst during the last quadrennium make eight vacancies on the board of bishops. The conference may or may not, however, fill all of these vacancies.

all of these vacancies.

In the meantime, there is no dearth of candidates for bishopric honors. Probably fifteen names are being discussed in connection with the position. Most prominent among these are the following: Dr. N. F. McDowell, secretary of the board of education: Dr. J. F. Berry, editor of Francet. tion; Dr. J. F. Berry, editor of Epworth Herald; Dr. Henry Spellminer of Newark, Dr. J. R. Day, chancellor of Syracuse University; Dr. J. W. Bashford, president of the Ohio Weslevan Seminary: Dr. H. C. Jennings, agent of the western book con-cern; Dr. George P. Eckman of New York and Dr. J. W. E. Bowen, a colored educator of Atlanta, Ga.

A constitutional provision is hinted at which may prevent the election of a colored bishop. The colored delegates, however, sup-ported by a goodly following of white delegates, are making a vigorous campaign for the election of Dr. Bowen, and if there is no constitutional barrier it seems likely that he

will be chosen. The Pacific coast contingent has taken re newed hope with the retirement of so large a number of present bishops, and the creation of corresponding number of vacancies and the possible chances of several candi dates are being carnestly discussed. Chief among these is G. F. Bovard, president of the University of Southern California. Others are Dr. Robert McIntyre and Dr. John L. Pitner of Los Angeles, Dr. E. R. Dill of Ockland and Dr. Edwin M. Randall of

Movements of Naval Vessels. The gunboat Machias has been put out

of commission at the navy yard, Pensacola. The torpedo boats Whipple, Worden, Stewart, Truxtun and Hopkins, now at Hampton Roads, have been ordered to proceed to Annapolls for the purpose of taking the midshipmen on a practice cruise.

The Supply has arrived at Guam, the Villalobos at Kinkiang, the Topeka at Newport, the Prairie at Havana, the New Oreans at Cheefoo, the Tacoma at Honolulu the Vixen at Guantanamo, the Lebanon at Lambert's Point, the Dixie at League Isand and the Wyoming, Preble and Paul

land and the Wyoming, Preble and Paul Jones at San Diego.

The Adams left Honolulu this morning for Tutuila, the Brutus has sailed from Shanghal for Nankin, the Lawrence and Nashville have left Calro for New Madrid, the Culgoa has sailed from Guantanamo for Key West, and the Newport from Pensacola for Santo Domingo City, via Guantanamo

Young Woman Missing From Home. Capt. Boardman was asked this afternoon o have the police look out for Miss Gertie Regon, eighteen years old, who has been missing since about 2:30 o'clock yesterday afternoon. Her home is at 635 H street northwest with her mother, and the latter made the request of the police. Miss Regon was employed in a laundry not far from her home. Mrs. Regon told Capt. Boardman she thought her daughter had not gone

Consul Miller Promoted. Henry Miller, at present United States consul at Niuchwang, China, has been appointed consul'general at the same place without increase of salary.

Bids for District Work.

Bids were opened at the District building today for grading, building walks, fences and benches, etc., in the yard about the Stanton school building in Good Hope. The bid of Hugh Waters & Co. for grading, building granolithic walks, fences and benches was the lowest, the price named being \$1,090. For building fences and benches and laying granolithic walks without grading the bid of Nell & Boroughs, for \$800. was the lowest received.

King Edward to Visit the Kaiser. Justice Gould in Equity Court No. 2 to-day signed a decree of divorce in favor of the complainant in the suit of Harvey E. Sherwood against Lengths P. Sherwood against P. Sherwood a

DECISION OF THE UNITED STATES LOCAL HEARINGS CONCLUDED AT THE SHOREHAM.

> Without Announcing Decision-Another Meeting Probable.

The taking of testimony in the famous Plous fund case, which has been in progress during the past week in the Shorehan Hotel before a court commissioner, has been concluded, and the several parties at interest have gone to their respective homes. It is understood that another hearing will be had in San Francisco before the matter will be taken up for final adjudication. The case may possibly come up during the October term of the Supreme Court of the District of Columbia. Among those who were called to Washington to attend the hearings and participate in the giving of testimony were: Bishop Conaty, formerly head of the Catholic University of America, but now bishop of Monterey and Los Angeles; Archbishop Riordan of San Francisco, Rev. Chas. A Ramm of San

torney for the church interests. Mr. Nathaniel Wilson of this city and Mr. Fred D. McKenney, attorney for the heirs of the late Philip Phillips, were the other parties at interest. The bone tention is a contract, executed in 1809 which is claimed by the church officials to cover services of Messrs. Wilson and Phil lips for the years from 1869 to 1902, but which plaintiffs claim has not lapsed, and is still in force.

Francisco and Garrett A. McEnerney, at-

The suit was brought by Mr. Wilson against the church officials in California to recover 10 per cent of \$605,000, the amount collected by the church from Mexico, under an award made in 1902 at The Hague The same award made it cumpulsory upon Mexico to pay in addition, in perpetuity, the sum of \$43,050.99, annually, and Mr. Wilson and the heirs of Mr. Phillips sued for 10 per cent of this amount.

Story of the Suit. The story of the suit is contained in the bills filed by Mr. Wilson and the answer filed by Mr. McEnerney on behalf of the church. According to this authority, a mixed commission to settle claims against Mexico was created in 1869. To that com mission the then archbishop and bishops presented a claim for twenty-one years' interest on the Pious fund, that is, from February 2, 1848, the day Mexico ceded California to the United States, to Febru ary 2, 1869, the day the mixed commission

In the early '70's, Nathaniel Wilson and Philip Phillips were employed to assist in the prosecution of the cliams of the church for the twenty-one years' interest and were to receive 10 per cent of the recovery. An ward of \$900,000 was made to the church in 1878. This award was paid in thirteen annual installments, commencing in 1878 and ending in 1890.

It is claimed by the church authorities that Mr. Wilson received his \$45,000, and Mr. Phillips and his heirs received their \$45,000. Mr. Phillips died in 1884. The award at The Hague was for thirty-three years' interest, from 1889 to 1902 and it is claimed by the prelates that Mr. Phil-lips never rendered any service in the colection of these thirty-three years' inter-

est, and never wrote to the church author

ities on the subject. On the other hand, the church asserts that his employment was limited to the 1902, after the Washington papers had re-ported that Mexico and the United States had agreed upon a treaty to refer the Pious fund case to the tribunal at The Hague Mr. Wilson wrote claiming his contract covered the new case, and tendering his

The Services Declined.

These services were declined by the arch bishop and bishop upon the ground that Mr. twenty-one years' interest, and for that. they say, he had been fully paid. They further allege that he had abandoned all rights under the contract by failing to render any services in the case for twenty-five years, although it was his duty to attempt the collection of the interest if his contract was in force.

The main question in the controversy are. first, as to the continuing character of the original contract by which the attorneys and the church people claiming it has ter-minated, and, second, that the recovery of the amount on which the fees were not paid was made upon a plea of res judicata plaintiffs insisting that their successful pre about the finding in the latter case.

Building Permits Issued. Building permits were issued today as

L. E. Bremminger, one four-story brick apartment house, No. 1364 Princeton street northwest; cost, \$25,000. Also two twostory brick dwellings, Nos. 2719 and 2721 14th street northwest; cost, \$10,000. Also four two-story brick dwellings, Nos. 1354 to

\$20,000. W. M. West, one two-story brick dwelling, Congress Heights; cost, \$1,350.
J. Ed. Chapman, one three-story brick dwelling, No. 1406 D street northwest; cost,

Georgia Banks Close Their Doors. MACON Ga., May 16.-The I. C. Plant Sons' Bank failed to open today. The First National Bank opened, but later closed, posting a notice that it awaited the arrival of a bank examiner. No official statement of the bank's condition has been given out. It is reported that the First National numbers among its depositors the Central of Georgia Railroad Company and several arge manufacturing concerns.
The Plant Sons' Bank was a private in-

stitution and is said to have done only a small business recently.

The last report of the First National Bank showed its affairs to be in good condition. NEW YORK, May 16.—According to a re-cent statement, the First National Bank of Macon, Ga., owed depositors \$683,000. Its capital is \$200,000. Robert H. Plant, president of the First National Bank, is also the head of the firm of I. C. Plant's Son, which has a capital of \$20,000.

Fined for Rapid Speed.

John W. Cobb forfeited \$10 in the District ranch of the Police Court this morning on a charge of running an automobile at an excessive rate of speed on 14th street northwest. Rutherford Cross, charged with a similar offense on the same street, was permitted to forfeit half that amount.

Revenue Cutter Dexter.

The revenue cutter Sam'l Dexter, built at Boston in 1874, which was recently relieved by one of the new cutters, is at the Arundel Cove station of the revenue cutter service, and is being changed to fit her for service in the tropics. The vessel, it is said, is to be assigned to duty about the Island of Porto Rico, and will be ready to go to her new station early in the summer. The her living quariers airy and comfortable while cruising in waters near the equator.

Arrangements have been made for holding

the twelfth annual meeting of the Wo man's Interdenominational Union at the Church of the Covenant tomorrow morning Under Surveillance.

Three chisels, two broken chewing gum lot machines, a number of pennies and a

quantity of chewing gum was used as evidence in the Juvenile Court this afternoon dence in the Juvenile Court this afternoon against Herbert Street, Richard Middleton, and David Hart, who were arraigned jointly before Judge Kimball on charges of robbing a slot machine. The boys admitted their guilt and after hearing statements from all parties concerned Judge Kimball imposed fines amounting to \$10 on each of the boys and directed that they should remain under the observation of the board of children's guardians for six months in default of payment.

of Major Conrad on the point was accurrate. "You're right, for once," Attorney Worth-

Selling Continues and Losses General in Market.

STOCKS LACK POWER

RESUMPTION OF LIQUIDATION IN THE ERIES AND COALERS.

Standard Railroads on a Lower Level, but the Specialties Heaviest

NEW YORK, May 16 .- Small gains and losses were quite equally divided on the opening quotations in the stock market today. Consolidated Gas rose a point and United States Steel preferred showed an advancing tendency to the extent of %. The market showed considerable variety and activity. The demand for a few specialties stiffened

the general market until liquidation was resumed in the Eries and other coalers. Consolidated Gas gained 2%. Lackawanna 1% and Metropolitan Street Railway and Car 1 before they relapsed on the general selling. Railroad stocks showed but little resist-

ance to the decline, but United States Steel

preferred was supported. Hocking Valley fell 2% on one sale. Other losses included 2 in Erie first preferred, 11/2 in the second and 1 to 11/4 in Delaware and Hudson, Reading, the second preferred, Northwest-ern and Kansas and Texas preferred. Trading was quieter at 11 o'clock and the market slightly better all around.

The tone of the market was soft and yielding, with little rallying power. Many prominent railroad stocks were a large fraction below last week. New York Cen-

tral lost a full point, Union Pacific and Wabash preferred %, General Electric 2, Sugar 1% and Brooklyn Transit %. Consolidated Gas lost most of its rise. There were gains of about a point for United States Rubber preferred and Kanawha and Michigan. Bonds were easy at noon. Aggressive selling set in at all points after 12 o'clock and the market was substantially lower. United States Steel preferred, which had held well during the morning, was forced below Saturday's close. Consolidated Gas sold down to 209 close. Consolidated Gas sold down to 209 compared with 212½ earlier.

Rubber preferred showed exceptional strength, rising 2½. Additional declines consisted of 4 in General Electric, 2½ in Kansas and Texas preferred, 1½ in Denver and Rio Grande preferred, and %a1½ in Atchison, St. Paul, Illinois Central, Locomotive preferred Republic Steel preferred.

motive preferred, Republic Steel preferred and Tennessee Coal.

Some of the standard railroad stocks reached a lower level, but selling in general was more concentrated against the specialties. Continued offerings of these stocks discouraged buying of the favorite stocks. Wabash preferred yielded 2 and the common 1. North American also sag-

ged 3, and Amalgamated, Consolidated Gas, Distillers Securities, Texas Pacific, Rock Island, Colored Southern first preferred, Atchison preferred and Pere Marquette % to 1½. Brooklyn transit feel 2 points. New York Stock Market.

Furnished by W. B. Hibbs & Co., bankers and brokers, 1419 F st., members New York stock exchange, Washington stocchange and Chicago board of trade. Amalgamated Copper...
American Locomotive...
American Loco., pfd...
Am. Car & Foundry.....
Am. Car & Foundry, pf1

Americansmelting...... Am. Smelting, pfd...... American Suzat..... Chicago & Alton, pid..... Chicago Great Western. Chi., Mil. & St. Paul..... Uplorado Port rado Fast & Irat ... NewYork Central.
N. Y., Oat. & Western.
Norfolk & Western.
Pacific Mail Steamship Pressed Stast Car Republiestasi & Iro L. Rep. Steel & Iron, pfd... Rock Island, com..... Rock Island, pfd..... Rubber Goods...... St. Louis & S. F., 21 pf L Southern Pac Union Pacific, pfd. United States Leatner.
U. S. Leather, pfd.......
United States Rubber... United States Steel U S. Steel 2d 5's.... Western Union.

GOVERNMENT BONDS

3 per cents, 'egistered, 1908
3 per cents, coupons, 1908
8 per cents, small, 1906
4 per cents, registered, 1907
4 per cents, registered, 1925
4 per cents, registered, 1925
4 per cents, Philippine
2 per cents, registered
2 per cents, coupons, 1907
District of Columbia 107¼ 107¼ 132¾ 133¼

Special Dispatch to The Evening Star.

BALTIMORE, Md., May 16.—FLOUR—Steady; winter unchanged; extra, 3.80a4.10; clear, 4.50a 4.65; straight, 4.70a4.85; patent, 4.90a5.20; spring, clear, 3.90a4.20; straight, 4.50a4.85; patent, 4.85a 5.15; receipts, 8,236 barrels.

WHEAT—Dull; spot, contract, 1.06a1.06¼; No. 2 red western, 1.06a1.06¼; May, 1.06a1.06¼; July, 87¼ asked; steamer No. 2 red, 99a90½; receipts, 3,814 bushels; southern by sample, 97a1.06; on grade, 97a1.06.

CORN.—Firmer; spot, 53a53¼; May, 53a63½; July, 53¼a53%; steamer mixed, 51a51½; receipts,

Baltimore Markets

CORN—Firmer; spot, 53a53½; May, 53a53½; July, 53½a53½; steamer mixed, 51a51½; receipts, 4,975 bushels; southern white corn, 55½a58½; yel-low, 55½a58½. OATS—Firm; No. 2 white, 47½; No. 2 mixed, 44½; receipts, 4,000 bushels. RYE—Dull; uptown, No. 2, 78a79; No. 2 western, 80 asked. HAY—Steady; No. 1 timothy, 16.50a17.00; No. 1 clover mixed, 15.00a15.50. GRAIN FREIGHTS—Quiet; steam to Liverpool, per bushel, %d. May; Cork for orders, per quarter,

per bushel, %d. May; Cora 10.
2s. May.
2s. May.
BUTTER—Steady; fancy imitation, 19a20; creamery, 25a26; ladle, 15a16; store packed, 12a13.
EGGS—Firm, 17a18.
CHEESE—Large, 11a11%; medium, 11%a11%; small, 12a12½. SUGAR-Steady; coarse granulated, 4.95; fine,

New York Cotton Market. NEW YORK, May 16.—Cotton:
Open. High.
13.52 13.67
tagust 13.15 13.29
epitember 11.81 11.87
ectober 11.34 11.38 LOCAL FINANCIAL NEWS.

Although issued less than thirty years go, the first circular sent out by the Bell telephone soliciting business has an an-

It is signed Gardiner G. Hubbard, and dated May, 1877, Cambridge, Mass.

It begins: "The proprietors of the telephone, the invention of Alexander Graham Bell, for which patents have been issued by the United States and Great Britain. are now prepared to furnish telephones for the transmission of articular speech through instruments not more than twenty miles apart. Conversation can be easily

or two ago the circular was published as

curiosity from an original now very rare

carried on after slight practice and with the occasional repetition of a word or sentence.
"On first listening to the telephone, though the sound is perfectly audible, the articulation seems to be indistinct; but after a few trials the ear becomes accustomed to the peculiar sound and finds little difficulty in understanding the words. The telephone should be set in a quiet place, where there is no noise which would

interrupt ordinary conversation.

"The terms of leasing two telephones for social purposes connecting a dwelling house with any other building will be \$20 a year, for business purposes, \$40 a year, naveble semi-annually in advance with the payable semi-annually in advance, with the cost of expressage from Boston, New York, Cincinnati, Chicago, St. Louis or San in good working order by the lessors, free of expense, except from injuries resulting

from great carelessness. "Several telephones can be placed on the same line at an additional rental of \$10 for each instrument; but the use of more than two on the same line, where privacy is required, is not advised. Any person within ordinary hearing distance can hear the voice calling through the telephone. If a louder call is required one can be furnished for \$5."

The change in the membership of the banking firm of Lewis Johnson & Co. went into effect today, Mr. Lewis J. Davis retiring and Mr. Charles P. Williams beassociated in the business with Messrs. Mearns and Henry, the partners of Mr. Davis. The capital remains the same as when Mr. Davis was the senior

There was a slight advance in the bid price of Capital Traction bonds at today's meeting of the stock exchange. Saturday the bid was 106% and today that was in-creased one-eighth. The bonds were offered Washington Railway bonds sold at 77% and the asking price advanced to 77%, while 77% was bid. The latter was withdrawn and the bid became 77.

No disposition was manifested to trade in the stocks of the Capital Traction or the Washington Railway Company and there was but little change made in the quota-

An offering was made of ten shares of Union Trust and Storage Company stock at 108%. A bid had been made of 108, and then the bidder took the stock at the asking price. These ten-share lots were offered at that figure and were bought in filling an order. Then the asking price advanced to 109, with 108 bid, but there was no fur-

The bid and asking prices of gas stock were only separated by an eighth, but there was no market. At the close the quotations were 57% bid and 57% offered. In spite of quite a close approach in the bid and offering of Mergenthaler, Lanston and Greene, there was no trading, and very

little inclination manifested to deal in these

stocks, or in fact in anything in the entire

At the close of the meeting of the stock exchange today one of the members of-fered \$3,000 for one or more seats on the exchange. He advanced his bid to \$3,100 without result. The price of the seats seem to be going up, and just now there are several who want to join the ranks. As under the rules of the exchange the heirs of each member are entitled to \$1,000 in cash in the event of death, it is estimated that this amount when added to the current value of the seats represents what each seat is worth to the members. On

highest price ever paid was \$2,750 Today's Government Receipts.

such a basis a seat is worth \$4,000, but the

National bank notes received today for redemption, \$1,078,304; government recustoms, \$561,532; miscellaneous, \$126,632; expenditures, \$2,270,000; available cash bal ance, \$174.361.378.08

Washington Stock Exchange.

Sales.—Regular call, 12 o'clock noon—Washington Street Rwy. 4s, \$1,000 at 77%, \$1,000 at 77%. Union Trust and Storage, 10 at 108%, 10 at 108%, 10 at 108%. Washington Gas, 25 at 57%. After call—U. S. registered 3s, \$500 at 105%. RAILROAD BONDS.

Metropolitan 5s.
Metropolitan 5s cert. Indebt., A...
Metropolitan cert. Indebt., B...
Columbia 6s.
Columbia 5s.
Washington Rwy. and Elec. 4s. MISCELLANEOUS BOND
Washington Gas Gs, series A...
Washington Gas Gs, series B...
Washington Gas cert.
U. S Elec. Lt. deb. imp. 6s...
U. S. Elec. Lt. cert. ind. 6s...
Chesapeake and Potomac Tel. 5s...
Washington Market 1st 6s...
Masonic Hall Ass'n 5s C...
SAFE DEPOSIT AND TRUST
National Safe Deposit and Trust. MISCELLANEOUS BONDS National Safe Deposit and Trust.
Washington Loan and Trust.
American Security and Trust.
Washington Safe Deposit.
Union Trust and Storage.
Washington Savings Bank.
Home Savings Bank Capital Traction.
Washington Rwy. and Elec. pfd...
Washington Rwy. and Elec. com... NATIONAL BANK STOCKS. Bank of Washington.
Metropolitan.
Central.
Farmers and Mechanics'.

Arlington
German American....
National Union.... TELEPHONE AND GRAPHOPHONE STOCKS. GAS STOCKS.

TYPE MACHINE STOCKS.

Thirty-four soldiers and sailors have been placed under quarantine by the District health department at the Soldiers and Sailors' Home, 106 3d street northwest. The reason for detaining them is that George Whitney, sixty-three years old, was found by the health authorities at the home last night suffering with smallpox. Whitney was removed to the smallpox hospital last night and the men in the home at the time were placed under quarantine.

PARIS, May 16 .- According to a dispatch from Lalla-Marnia, Algeria, the followers of the Moroccan pretender recently attacked the sultan's troops near Ujda, and the former were repulsed after severe fighting. Fifty of the sultan's troops were killed. The rebels' losses are said to have been

BEARD. On Sunday, May 15, 1904, NELLIH LOUISE BEARD, daughter of Joseph C. and Jessie E. Beard, aged ten months and seven

MISCELLANEOUS STOCE
Washington Market
Nor. and Wash. Steamboat
J. Maury Dove
Realty Appraisal Agency
*Ex-div. PLACED UNDER QUARANTINE. Thirty-Four Soldiers and Sailors in Contact With Smallpox Case.

Moroccan Pretender Meets Repulse.

days.
Funeral Tuesday, May 17, at 2 p.m., from 404
Florida avenue northwest. Interment at Rock